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Counsellors at Law
1201 Pennsylvania Avenue, N. W.
P. O. Box 407
Washington, D. C. 20044-0407

October 12, 1994

Telephone: (202) 626-6600

Cable Squire DB

Telecopier: (202) 626-6780

Direct Dial Number
(202) 626-6634

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Merrill Spiegel
Office of Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Re: ET Docket No. 93-7 -- Cable Compatibility

Dear Ms. Spiegel:

During our meeting on October 6, 1994, you asked us to provide you with specific language that would address the concerns of the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") with the rules adopted by the Commission in the First Report and Order in ET Docket No. 93-7. The following responds to your inquiry.*

To ensure that consumers can obtain security-only decoder modules from cable operators on an unbundled basis for use with cable-ready televisions, a new provision should be added to new Section 76.630:

(f) Cable system operators that use scrambling, encryption or similar technologies that affect the reception of signals by cable-ready consumer electronics equipment shall make available to subscribers upon request descramblers/decoders that perform signal access control functions only. In addition, cable operators may make available to subscribers devices that perform both signal access control functions and non-security functions.

*New language is underscored; deleted language is ~~lined through~~.

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To avoid the needless marketplace confusion and expense that would result from requiring the negative labelling of non-cable ready television receivers, new Section 15.19(d)(1) should be eliminated. If the Commission concludes that labelling is necessary, a positive labelling requirement -- applicable only to cable-ready consumer electronics equipment and analogous to that found in other sections of Part 15 (e.g., 47 C.F.R. § 15.119(m)) -- would be preferable. Such an alternative could be implemented by adding the following language to Section 15.19:

(e) The box or other packaging in which cable ready consumer electronics equipment is to be marketed shall carry a statement in a prominent location, visible to the buyer before purchase, which reads as follows:

This device complies with the Federal Communications Commission standards for cable ready consumer electronics equipment.

To prevent the needless waste and expense involved in destroying existing marketing materials, retrieving and reengineering existing equipment, and creating, printing and distributing new marketing materials, the Commission should defer the effective date of new Section 15.19(d)(2) to the start of the new model year, as it has in other proceedings involving consumer electronics equipment (e.g., 47 C.F.R. § 15.119(a)):

(2) Such equipment shall not be marketed with terminology that describes the device as "cable ready" or "cable compatible," or that otherwise conveys the impression that the device is *fully* compatible with cable service. This requirement applies to consumer TV receivers, videocassette recorders and similar devices manufactured or imported for sale in this country on or after ~~October 31, 1994~~ June 30, 1995.

As we indicated when we met, time is of the essence in providing the consumer electronics industry with relief from the current October 31, 1994 deadline.

To limit the consumer confusion that results from "channel mapping," a new provision that generally prohibits the practice (but allows for waivers) should be added to new Section 76.605(a)(2):

(2) Cable systems shall transmit channels to subscriber premises equipment on frequencies in accordance with the channel allocation plan set forth in the Electronic Industries Association's

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"Cable Television Channel Identification Plan. EIA IS-132. May 1994" (EIA IS-132). Cable system terminal devices and other customer premises equipment supplied by cable system operators shall display the actual channel number of the frequency on which a signal is carried. Requests for waivers of this requirement shall be granted where the display of a different channel number is required by law or where good cause can be shown. This incorporation by reference

To prevent cable operators from stranding the existing base of infrared remote controls and similar devices now used by consumers, while at the same time providing cable system operators with the flexibility to change suppliers, new Section 76.360(c) should be revised as follows:

(c) Cable operators may not alter the infrared codes used to operate the remote control capabilities of the customer premises equipment they employ in providing service to subscribers, except that: (1) cable operators may, however, use replace existing equipment with new equipment that includes additional infrared codes for new remote control functions that were not included in existing models of customer premises equipment; and (2) cable operators may replace existing equipment with new equipment that employs different infrared codes for the remote control functions included in existing models of customer premises equipment if such infrared codes were in use on May 4, 1994 [the date of the First Report and Order].

We hope the foregoing is helpful. Please let us know if you have any questions.

Sincerely,



Joseph P. Markoski

/jef

cc: William F. Caton